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TO RUEHC/SECSTATE WASHDC IMMEDIATE 4843
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RUEHAR/AMEMBASSY ACCRA 2998
RUEHDS/AMEMBASSY ADDIS ABABA 3113
RUEHRL/AMEMBASSY BERLIN 1542
RUEHBY/AMEMBASSY CANBERRA 2376
RUEHDK/AMEMBASSY DAKAR 2743
RUEHKM/AMEMBASSY KAMPALA 3161
RUEHNR/AMEMBASSY NAIROBI 5606
RUEAIIA/CIA WASHDC
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RHEFDIA/DIA WASHDC
RUEHGV/USMISSION GENEVA 2289
RHEHAAA/NSC WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 HARARE 000679

SIPDIS

AF/S FOR B. WALCH
DRL FOR N. WILETT
ADDIS ABABA FOR USAU
ADDIS ABABA FOR ACSS
STATE PASS TO USAID FOR J. HARMON AND L. DOBBINS
STATE PASS TO NSC FOR SENIOR AFRICA DIRECTOR MICHELLE GAVIN

E.O. 12958: DECL: 08/20/2019
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [ZI](#)
SUBJECT: MDC-T ATTEMPTS TO USE DWINDLING PARLIAMENTARY
ADVANTAGE TO PRESS FOR REFORM

REF: A. HARARE 402
[1](#)B. HARARE 674

Classified By: CDA Katherine Dhanani for reason 1.4 (b) and (d)

SUMMARY

[1](#)1. (C) In the absence of leadership by Cabinet, Parliament is moving forward with attempts to reform two pieces of existing legislation that have been used by the State to restrict civil liberties. The effort comes as the MDC-T's slim parliamentary advantage is under threat by ZANU-PF and political bickering in the MDC-M faction. The suspension of three Tsvangirai-aligned MDC-M MPs this week may have put ZANU-PF and the MDC-T at voting strength parity in the decisive lower house. Meanwhile, uncertainty surrounds efforts to reform the media space as Mugabe has yet to announce the composition of the new media commission from a slate of nominees put forward by Parliament. END SUMMARY.

Parliament May Make Legislative Reform Push

[1](#)2. (C) Parliamentarian Douglas Mwonzora (MDC-T) met with Embassy officers on August 14 and revealed that there is a parliamentary initiative led by the MDC-T to amend the Access to Information and Protection of Privacy Act (AIPPA) and the Public Order and Security Act (POSA) that have been used by the State to suppress dissent and curtail criticism and protests targeted against the government. This will occur through two separate "private member's bills" sponsored by unnamed parliamentary backbenchers. (NOTE: The parliamentary convention has been for the relevant minister to initiate legislation in Cabinet, put it to a parliamentary vote, and then have the president sign it into law. An oft-cited reason why legislation is rarely initiated by Parliament is that individual MPs must bear the associated

printing costs. POSA and AIPPA fall under the authority of ZANU-PF ministers. END NOTE.)

13. (C) Mwonzora said that the Speaker of Parliament, Lovemore Moyo, had already agreed to pay for the printing costs for the POSA private member's bill. The process to amend AIPPA will begin with a motion in Parliament debating the need for change, and then will be followed by a private member's bill.

Suspensions Whittle Away MDC-T Advantage

14. (C) The Clerk of Parliament, Austin Zvoma, announced at a press conference on August 18 that Speaker Lovemore Moyo had written to President Mugabe declaring three MDC-M MPs suspended from Parliament. The three MPs) Abednico Bhebhe (Nkayi South), Norman Mpofu (Bulilima East), and Njabuliso Mguni (Lupane East) -- have been outspoken critics of MDC-M leadership (Ref A) and were expelled from the Party last month on charges of misconduct. Xolani Zitha, the Director of the Office of the Speaker, confirmed the letter of suspension to poloff on August 19. Zitha said that while Qsuspension to poloff on August 19. Zitha said that while Moyo had thus far resisted suspending the trio (who have voted along MDC-T lines), ultimately he was advised that he had no legal basis to continue doing so. Welshman Ncube, the Secretary General of the MDC-M, had warned Moyo that further delays in suspending the MPs would result in the Party leveling corruption charges against the Speaker. Welshman

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had given Moyo an August 18 deadline.

15. (C) These suspensions, coupled with the four MDC-T MPs who have been suspended from Parliament stemming from criminal convictions, and the recent respiratory illness induced death of a Bulawayo MDC-T MP, have threatened the MDC-T's slim voting advantage in Parliament. The MDC-T currently has 96 voting members of Parliament. Their support within MDC-M may have dropped from seven to four votes following the suspensions of Bhebhe, Mpofu, and Mguni, giving them a total of 100 votes. ZANU-PF in turn has lost four votes to MP fatalities and stands at 96, including the vote of independent Jonathan Moyo. Adding the four remaining MDC-M votes to their total puts the two major parties at parity.

Uncertainty Surrounds Media Commission

16. (C) The formation of the new Zimbabwe Media Commission (ZMC) remains in limbo as Mugabe has yet to nominate a chairperson and select eight of the twelve nominees put forward by Parliament's Standing Rules and Order Committee last week. The State-controlled Sunday Mail newspaper ran an article declaring that the commission selection process had been suspended and the ZMC ought to be filled based on a system of proportional representation by political parties. Moyo immediately refuted the article and Zitha confirmed to us that they have not received any notification of suspension from the President's Office.

COMMENT

17. (C) The MDC-T's rapidly diminishing parliamentary advantage puts the prospects for legislative reform at tremendous risk. This is driving the MDC-T's current push to amend AIPPA and POSA, although even if a private member's bill were to succeed, it would be (like any legislation) subject to a Mugabe veto. The selective prosecution of MDC-T MPs also increases the importance of the upcoming August 27

of South African President Zuma visit at which we expect Tsvangirai to press strongly for Attorney General Tomana's ouster (Ref B).

18. (C) Farther down the road lies the specter of up to 27 by-elections -- the sum of all vacant seats due to death (5), suspension (3), criminal conviction (4), facing charges (10), or reappointment (5). This represents 13 percent of the 214 seats in the House of Assembly. This mini-election is a large prize and could tempt ZANU-PF into engaging its time-tested campaign tactics of violence and intimidation.
END COMMENT.

DHANANI